

ATTY. DOCKET NO.: P66034US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

FRECHON et al.

Serial No.: 09/674,277

Group Art Unit: Unassigned

Filed: February 13, 2001

Examiner: Unassigned

For: NUCLEOTIDE SEQUENCES FOR THE DETECTION OF
ENTEROHAEMORRHAGIC ESCHERICHIA COLI (EHEC)

RESPONSE TO NOTIFICATION OF A DEFECTIVE RESPONSE

Commissioner of Patents
Washington, D.C. 20231

Sir:

The Notification of a Defective Response, mailed 8 August 2001 (copy attached) was apparently mailed in error.

According to the Notification mailed 8 August 2001, Applicants' response filed 13 February 2001 was acknowledged and requirements contained in the Notification of Missing Requirements mailed 23 May 2001 were, allegedly, not completed due to the alleged failure of compliance with the Notification to Comply With the Sequence Rules mailed 23 May 2001.

The instant Notification was mailed in error because Applicants did, in fact, respond to the Notification to Comply mailed 23, May 2001, and, thereby, "completed" the requirements set forth in the Notification of Missing Requirements mailed 23, May 2001. Attached, hereto, is a copy of the Response to Notice to Comply With Sequence Rules (i.e., the Notice to Comply mailed 23 May 2001, and attachments - except for the computer readable form of the Sequence Listing), along with a copy of the corresponding PTO mail room receipt card, date stamped 23 July 2001.

Accordingly, the Notification of a Defective Response mailed 8 August 2001 was mailed in error, rendering moot the requirements set forth therein.

Applicants, moreover, request that the PTO mail an appropriate paper withdrawing the Notification

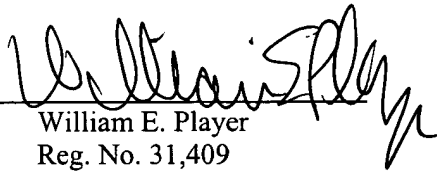
of a Defective Response mailed 8 August 2001, in order to complete the record.

An attempt to resolve this matter was made during a telephone call to PTO Paralegal Charitta A. Burt on 23 August 2001, but the matter could not be resolved.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By:


William E. Player
Reg. No. 31,409

Date: October 22, 2001
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Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Attorney Docket No.: P66034US0

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674277	FRECHON	D P66034US0

INTERNATIONAL APPLICATION NO.

PCT/FR99/01000

JACOBSON PRICE HOLMAN & STERN
THE JENIFER BUILDING
400 SEVENTH STREET N W
WASHINGTON, DC 20004 2201

I.A. FILING DATE

27 APR 99

PRIORITY DATE

28 APR 98

DATE MAILED:

AUG 2001

**NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant has submitted papers under 35 U.S.C. 371 to enter the national stage in the United States of America. The items indicated below, however, are missing. The period within which to correct the deficiency noted below and avoid abandonment is set forth in the accompanying Notification.

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- ☒ The application fails to comply with the requirements of 37 CFR 1.821-1.825.
- ☐ This application does not contain, a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c).
- ☐ A copy of the "Sequence Listing" in computer readable format has not been submitted as required by 37 CFR 1.821(e).
- ☐ A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ The paper copy or compact disc of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ Other: _____

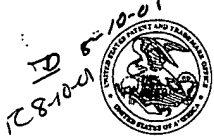
APPLICANT MUST PROVIDE:

- ☒ An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- ☐ An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE
CALL:**

(703) 308-4216, for Rules interpretation,
(703) 308-4212, for CRF submission help,
(703) 287-0200, for PatentIn software help.

Charitta A. Burt, Paralegal
Telephone: 703-305-3734



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/674277	FRECHON	D
P66034US0		
INTERNATIONAL APPLICATION NO.		

JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

PCT/FR99/01000

I.A. FILING DATE	PRIORITY DATE
27 APR 99	28 APR 98

DATE MAILED: 08 AUG 2001

NOTIFICATION OF A DEFECTIVE RESPONSE

1. ☐ The request for an extension of time (37 CFR 1.136(a)) filed _____ is defective because the required fee is missing/insufficient. Extension of time fees are listed at 37 CFR 1.17(a)(1)-(a)(5).
2. ☐ Applicant's response filed _____ was received in the Office after the expiration of the period for response set in the Office notification mailed _____. This application will become abandoned unless applicant obtains an extension of time to reply to the last Office notification under 37 CFR 1.136(a).
3. ☒ Applicant's response filed 13 FEB 01 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 23 MAY 01 have not been completed.

- ☐ Translation of the international application into English.
- ☐ which is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ Processing fee (37 CFR 1.492(f)).
- ☐ Oath or Declaration of inventors(s).
- ☐ not in compliance with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☐ Surcharge (37 CFR 1.492(e)).
- ☒ Sequence Listing.
- ☒ not in compliance with 37 CFR 1.821-1.825 for the reasons indicated on the attached PCT/DO/EO/920.
- ☐ Additional claim fees.

SEQUENCE
LISTINGJACOBSON HOLMAN PLLC
Response Due On Or Before
8 / 23 / 01
Month Day Year

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements (Form DO/EO/905), whichever is the longer. No extension of this time limit may be granted under 37 C.F.R. § 1.136, but the period for response set in the Notification of Missing Requirements (Form DO/EO/905) may be extended under 37 C.F.R. § 1.136(a).

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☒ PCT/DO/EO/920

Charita K. Burt, Paralegal
Telephone: 703-305-3734

WDAH Ref P 66037450 Today's Date 7-23-01
Serial/Patent No. 09/678277
Applicant, Patentee, Assignee Holman et al.
Filing Date/Patent Date 2-13-01

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- | | |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> _____ pp. Specification & JC162 Claims | <input checked="" type="checkbox"/> Response to Office Action |
| <input type="checkbox"/> Combined Declaration, Power of Attorney | <input type="checkbox"/> Disclosure Statement-IDS |
| <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Copies of References |
| <input type="checkbox"/> Rule 53 (b) Application | <input type="checkbox"/> Request for Refund |
| <input type="checkbox"/> Rule 53 (d) /RCE Application | <input type="checkbox"/> Request for Corrected Filing Receipt |
| <input type="checkbox"/> Claim to Priority and Certified Copy | <input type="checkbox"/> Petition for XOT |
| <input type="checkbox"/> Substitute <input type="checkbox"/> Subsequent Declaration | <input type="checkbox"/> Notice of Appeal/Brief |
| <input type="checkbox"/> Maintenance Fee | <input checked="" type="checkbox"/> Sequence Listing |
| <input type="checkbox"/> Drawings _____ Sheets _____ Formal _____ Informal | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Assignment/Change of Name | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Small Entity Declaration | |

☐ Check for \$ _____
JH 5/01 DUE DATE 7-23-01
Person filing ALG/100
LAW OFFICES OF
JACOBSON HOLMAN PLLC
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

